FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
CIVIL APPLICATION NO.1269 OF 2007
IN
SECOND APPEAL NO.977 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Pankaj Das, for the applicants.
Mr G.S.Godbole, for the respondent (absent).

CORAM: D.B.BHOSALE,J.
DATED: 21/09/2007

P.C.:

Heard learned counsel for the appellant.

By this civil application, the applicants have made the following prayer.

"(a) Interim relief including stay granted by this Hon'ble High Court on 12th January 2004, in Civil Application No.1148 of 2004 in Second Appeal No.977 of 2004, staying the execution and operation of clause Nos 4 to 9 of the operative part of the order and decree of the appeal court dated 13.4.2004 passed in Regular Civil Appeal No.192/2000, may please be vacated."

Grievance made by the applicants is that the original appellants had, on few occasions, failed to deposit an amount of

Rs.500/- per month on or before 10th day of every calender month as per clause (ii) of the order dated 12.1.2005. I perused a certificate issued by the court below, which shows that on few occasions, instead of depositing the amount on or before 10th, it was deposited either on 11th or 12th. At this stage, keeping in view the delay of only one or two days in depositing the amount as per the directions of this court by order dated 12.1.2005, I am not inclined to entertain the prayer made in this application. However, in future if there is a delay in depositing the amount as per the directions of this court, it would be open for the appellants to apply for vacating the interim order. With these observations, this civil application is disposed of.

(D.B.Bhosale, J.)